

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2007-344-T and 2009-277-T - ORDER NO. 2009-901

DECEMBER 29, 2009

IN RE: Docket No. 2007-344-T – Application of)	ORDER DENYING
William Seabrook, Jr. d/b/a Seabrook)	OFFICE OF
Transfer Company, 190 Gordon Street,)	REGULATORY STAFF’S
Charleston, South Carolina 29403 (District 1))	REQUEST FOR
for a Class E (Household Goods) Certificate)	POSTPONEMENT AND
of Public Convenience and Necessity)	GRANTING
)	REINSTATEMENT OF
and)	CERTIFICATE
)	
Docket No. 2009-277-T – Petition of the)	
Office of Regulatory Staff for Commission to)	
Order a Rule to Show Cause as to Why the)	
Certificates of Public Convenience and)	
Necessity for Certain Motor Carriers Should)	
Not Be Revoked for Failure to File Annual)	
Reports)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) by way of a request filed by William Seabrook, Jr. d/b/a Seabrook Transfer Company (“Seabrook” or “Applicant”) to reinstate Class E (Household Goods) Certificate of Public Convenience and Necessity No. 9768 held by the Applicant. Certificate No. 9768 was issued to Seabrook pursuant to Commission Order No. 2008-232, dated April 3, 2008, which granted the Applicant authority to transport household goods in South Carolina.

On July 9, 2009, a Petition for a Rule to Show Cause was filed by the South Carolina Office of Regulatory Staff (“ORS”) as to why the Certificates of Public

Convenience and Necessity of certain carriers should not be revoked for failure to file annual reports as required under 26 S.C. Code Ann. Regs. 103-231 (Supp. 2008) and thereby failing to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The record reflects that the Applicant was a respondent to the Rule to Show Cause for failure to file an annual report. *See* Docket No. 2009-277-T.

For those motor carriers who had not responded to the prior notifications of noncompliance, a formal hearing regarding this matter was held on September 30, 2009. The Commission found that the Certificates of Public Convenience and Necessity held by certain carriers, including the Applicant, should be revoked and cancelled for the violation of failing to file their required annual reports. Accordingly, the Commission issued Order No. 2009-715, which cancelled Seabrook's Certificate No. 9768.

By application received December 4, 2009, the Applicant requests that the Certificate in question be reinstated. On December 14, 2009, a response to Seabrook's request was received from the ORS, wherein the ORS asks that the Commission postpone action on the request for reinstatement in order that ORS may conduct an investigation of records and other compliance issues relative to Seabrook.

The Commission has reviewed the case before it and after due consideration, the Commission concludes that the above-mentioned Certificate should be reinstated as the record reflects that the required Annual Report of the Applicant has been filed. Further, the original Application for certification of the Applicant on file with the Commission provides documentation regarding the Applicant's stated knowledge of and commitment to abide by all relevant statutes and Commission regulations. With regard to the request

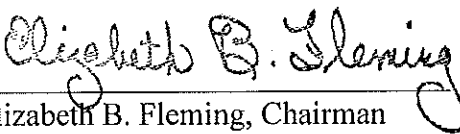
of ORS for postponement, we find that this request should be denied. The initial matter before the Commission consisted of the Applicant's noncompliance with the Annual Report requirement, which has been resolved by Seabrook; due process concerns therefore encourage us to find that the request for postponement filed by ORS should be denied. The ORS may investigate Seabrook's records and pursue any compliance issues in another docket brought before the Commission.

IT IS THEREFORE ORDERED:

1. That the request of the Office of Regulatory Staff to postpone action in Docket No. 2007-344-T is denied.
2. That Class E (Household Goods) Certificate of Public Convenience and Necessity No. 9768 of William Seabrook, Jr. d/b/a Seabrook Transfer Company be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations.
3. That all operating rights authorized under the Certificate are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations.
4. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, the motor carrier services authorized by the Certificate shall not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)